

WEEKLY HOT ISSUES REPORT for RA/DRA Region 8 – SUPPLEMENTAL

Week ending March 8, 2019

OFFICE OF PARTNERSHIPS AND REGULATORY ASSISTANCE

Last minute Late Breaking Hot Topic

South Dakota Department of Environment and Natural Resources (DENR) Air Permit for Magellan Pipeline

Key Message: South Dakota DENR plans to issue, on March 11, 2019, a Clean Air Act (CAA) renewal/modification title V operating permit to Magellan Pipeline Company for a refined petroleum bulk storage and distribution facility in Rapid City, South Dakota. The Air Program discovered material errors in the permit during our 45-day statutory review period which ends on March 8, 2019.

- The 45-day review period is intended to provide the EPA an opportunity to object to a title V permit if the permit is not in compliance with the CAA. While we are not intending to object to the permit, we are sending a comment letter on March 8, to DENR detailing our concerns. DENR has verbally signaled agreement with all of our concerns, except for one. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

- We suggested that the state submit in writing a formal applicability determination regarding applicability to the New Source Performance Standard for volatile organic liquid storage tanks; South Dakota did not submit a formal request. Applicability determination requests are commonly done to avoid permitting and enforcement misunderstandings.
- The permit came to us for review during the partial government shutdown. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

- **Enforcement/Investigatory / Ex. 7(a)**

- **Deliberative Process / Ex. 5**

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